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GENERAL AND COMPLETE DISARMAMENT

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

Note by the Secretariat concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.1/52/L.1

1. Under the terms of operative paragraphs 1, 3 and 4 of draft resolution A/C.1/52/L.1 the General Assembly would:

(a) Invite all States to sign the Convention, which will be opened for signature in Ottawa from 3 to 4 December 1997, and thereafter at United Nations Headquarters in New York from 5 December 1997 until its entry into force;

(b) Call upon all States to contribute towards the full realization and effective implementation of the Convention to advance the care and rehabilitation, and the social and economic reintegration of mine victims, and mine awareness programmes, and the removal of anti-personnel mines placed throughout the world and the assurance of their destruction;

(c) Request the Secretary-General of the United Nations to render the necessary assistance and to provide such services, as may be necessary to fulfil the tasks entrusted to him by the Convention.

2. Under the terms of the Convention, the United Nations and the Secretary-General would be required to play a prominent role that exceeds the traditional duties of a depositary. Aside from normal depositary functions set out in articles 15, 16, paragraph 3, 20, paragraphs 2 and 3, and 21, the Secretary-General or the United Nations would perform the following functions:

(a) The United Nations system may serve as a conduit between States parties in the provision of assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programmes, as well as for mine clearance and related activities; in the latter connection, reference is made to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance (art. 6, paras. 3 and 4);

(b) Receipt of information in "the database on mine clearance established within the United Nations system" (art. 6, para. 6);

(c) The United Nations may be requested to assist national authorities in the elaboration of domestic demining programmes (art. 6 para. 7);

(d) The Secretary-General is to distribute to the States parties reports submitted annually under article 7, paragraphs 1 and 2, on national implementation measures, stocks of mines, etc. (art. 7, para. 3);

(e) The Secretary-General is to serve as a conduit to transmit requests for clarification (i.e. challenges) from one State party to another regarding compliance with the Convention (art. 8, paras. 2, 3, and 5);

(f) The Secretary-General may be requested to exercise his/her good offices with respect to requests for clarification (art. 8, para. 4);

(g) The Secretary-General may be requested to convene special meetings of States parties to deal with unresolved requests for clarification (art. 8, para. 5, and 11, para. 3);

(h) The Secretary-General is to prepare and keep up to date a list of qualified experts to carry out fact-finding missions to resolve outstanding requests for clarification (art. 8 para. 9);

(i) The Secretary-General is to appoint (and by implication dispatch) fact-finding missions to challenged States parties, in accordance with article 8, paragraphs 10-16 (art. 8, para. 10);

(j) The Secretary-General is to receive and transmit to meetings of States parties the reports of fact-finding missions (art. 8, para. 17);

(k) The Secretary-General is to convene meetings of States parties, initially on an annual basis (art. 11, para. 2);

(l) The Secretary-General is to convene review conferences, with a frequency of no less than five years (art. 12, para. 1);

(m) The Secretary-General (the "depositary") is to convene on demand amendment conferences and perform various tasks in respect to proposed amendments (art. 13, para. 1);

(n) The United Nations (i.e. the Secretary-General) may be invited to meetings of States parties, special meetings of States parties, review

conferences and amendment conferences (arts. 11, para. 4, 12, para. 3, and 13, para. 2);

3. The request contained in operative paragraph 4 relates to programme 26, Disarmament, of the medium-term plan for the period 1998-2001.[1] Provision has been made under section 2, Political affairs, of the proposed programme budget for the biennium 1998-1999[2] for activities envisaged under programme 26. Programme 26 activities are proposed for transfer to the new section 2B, Disarmament, in line with the Secretary-General's measures and proposals on United Nations reform contained in document A/52/303.

4. Should the General Assembly adopt draft resolution A/C.1/52/L.1, the Secretary-General foresees requirements for Secretariat assistance and substantive support services for its implementation. No modifications would, however, be required in the activities under section 2, Political affairs, of the proposed programme budget for the biennium 1998-1999, as the activities to be undertaken under the draft resolution, prior to entry into force of the Convention fall under programme 26, Disarmament, of the medium-term plan for the period 1998-2001.

5. The assistance and services to be rendered should the Convention enter into force, would consist of conference-servicing costs, costs incurred by the Secretary-General under articles 7 and 8 and the costs of fact-finding missions and other associated costs, which, in accordance with article 14 of the Convention, would be borne by the States parties and States not parties to the Convention participating therein. These costs would be in accordance with the United Nations scale of assessment as adjusted to take into account the parties to the Convention. At this stage, it is not possible to estimate the cost, since decisions on the dates and venues for holding meetings of the States parties, the review conferences and the amendment conferences would be made by the parties, together with a number of other decisions on organizational arrangements, including the provision of summary records. Practice followed in the United Nations levies a charge, at a rate of 13 per cent of expenditures for such activities, to defray its administrative and other support costs incurred in their implementation. Accordingly such an expense would be borne also by the States parties.

6. No provisions have been made under subsection C.2, Disarmament, of section 2, Political affairs, of the proposed programme budget for the biennium 1998-1999, to undertake the activities called for in the Convention, except for those relating to the normal depositary functions. The Secretariat notes the binding commitment of article 14 of the Convention, and accordingly considers that the mandate of the Secretary-General, under draft resolution A/C.1/52/L.1, to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the Convention, has no financial implications for the regular budget of the United Nations. The associated costs of conférences, meetings, including the sessions of preparatory committees, costs incurred by the Secretary-General under articles 7 and 8 and the costs of fact-finding missions would be met by States parties in accordance with article 14 of the Convention.

7. In the light of the current financial situation of the United Nations, the Committee's attention is drawn to the established practice that all activities related to international conventions or treaties that, under their respective legal instruments, are to be financed outside the regular budget of the United Nations may only be undertaken when sufficient resources to cover the activities in question have been received from the States parties in advance.

8. Accordingly, should the General Assembly adopt draft resolution A/C.1/52/L.1, no additional requirements would arise under the proposed programme budget for the biennium 1998-1999.

Notes

[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 6 and corrigendum (A/51/6/Rev.1 and Rev.1/Corr.1).

[2] Ibid., Fifty-second Session, Supplement No. 6 (A/52/6/Rev.1), vols. I and II.